RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
TC/A.U. 3726

REMARKS/ARGUMENTS

Claims 1-16 and 20 are pending in this application.

Claims 1-16 and 20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite in the recitation of "a length of about 0.06 inch or greater". It is questioned "if it is referring to the embossing element height/depth or something else?". The basis for this question is not understood. Obviously, the embossing elements in question are three-dimensional and have heights (depths), widths and lengths. If the length is greater than the width, the embossing element is elongated. In this regard, the Examiner's attention is drawn to Applicant's Figure 2, which illustrates flowers defined by elongated curvilinear embossing elements in accordance with this invention. The three embossing elements identified by reference number 36 are elongated embossing elements. Two of the three labeled elements are curvilinear. The one in the middle is elongated, but straight. All of the remaining embossing elements of the flower are curvilinear and elongated. What is being claimed is that the length of these elongated curvilinear embossing elements is about 0.06 inch or greater, meaning that if one were to lay a string on top of the embossing element along its entire curvilinear length, the length of the string would be about 0.06 inch or greater. Hopefully this is clear.

In the '112 rejection, it is stated that "it appears that this length cannot be part of the top surface." However, as discussed above, the length is measured along the top surface. The rejection refers to Applicant's specification at page 6, lines 3-7 and Figures 1 and 3, which illustrate cross-sections of embossing elements. Note as stated in the specification in the paragraph bridging pages 6 and 7, the "length" of the embossing elements of those figures is not shown because "length" is the dimension of the illustrated embossing elements that is perpendicular to the page. As stated in the sentence bridging pages 6 and 7, the "length" of an embossing element is measured at the top of the embossing element. As discussed above, the length is clearly illustrated by the various embossing elements shown in Figure 2.

Regarding the newly added wording that the first and second sidewalls having a length perpendicular to the width of the top surface, the intent of the newly added wording was to make it clear that the sidewalls have a length dimension, as opposed to the embossing elements of Makoui et al., which are rounded and don't have first and second sidewalls with a "length" dimension. As mentioned above, although the claimed length of about 0.06 inch or greater is measured along the top of the embossing element, as a practical matter the sidewalls are going to be equal or substantially equal in length as illustrated by all of the elongated embossing elements in Applicant's Figure 2, where the dark lines of embossing elements 36 represent the sidewalls of the elongated elements and the white space

in between represents the top of the elongated elements. In light of the foregoing comments, it is believed that the claims are not indefinite and withdrawal of this basis for rejection is requested.

Claims 1-14 and 20 stand rejected under 35 U.S.C. 103(a) as unpatentable over US 2004/0109911 to Boegli. Boegli discloses an embossing apparatus comprising at least three embossing rolls, at least one of which consists of multiple "teeth" in the shape of truncated pyramids. It is asserted that it would be obvious to modify the truncated pyramids to provide Applicant's claimed embossing elements. Applicant respectfully disagrees. Nothing in the teachings of Boegli suggests an embossing roll surface having elongated curvilinear embossing elements. The truncated pyramid-shaped teeth of Boegli are not elongated and they are not curvilinear. The mere fact that paragraph [0035] of Boegli contains a general statement that "... the design of individual teeth ..... may differ from that of the remaining elements" does not make Applicant's claimed element designs obvious. While there may be some suggestion to modify the dimensions of the height of the truncated pyramid elements, there is no suggestion to deviate from the pyramid shape. Fundamentally, there is no suggestion to provide elongated elements. There also is no suggestion to provide curvilinear elements. Put visually, the flower design of Applicant's Figure 2, which is representative of Applicant's claimed subject matter, is not obvious from the embossing roll pattern of roll 2 of Figure 1 of Boegli.

With specific reference to Applicant's independent claim 2, there also is no suggestion in the teachings of Boegli to provide a split embossing element having a gap as claimed. The truncated pyramid elements of Boegli to not have a gap, but instead have a flat top surface.

With regard to the specific dimensions or relationships claimed in Applicant's claims 4-7, 9-10, 12-13, 15-16 and 20, there is no teaching or suggestion by Boegli to provide embossing elements as claimed. In addition to the obvious structural differences between the truncated pyramid embossing elements of Boegli and the elongated curvilinear embossing elements of Applicant's invention, the apparatus of Boegli is intended for an entirely different purpose than that of Applicant's apparatus. Specifically, while Applicant's apparatus is intended for embossing tissue paper, the apparatus of Boegli is intended for "satinizing" foils (paragraph [0001]) in order to provide visual effects that are more difficult to copy for security purposes (paragraph [0013]). Hence what might be an obvious matter of design choice for purposes of Boegli would not be useful or relevant for Applicant's apparatus, which is designed for a very different purpose. As such, it would not be obvious to provide an embossing apparatus as taught by Boegli with embossing elements having the claimed features set forth in the above mentioned dependent claims.

Dependent claims 8, 11 and 14 stand rejected under 35 U.S.C. 103(a) as unpatentable over Boegli in view of US 2002/0007749 to Makoui et al. Without addressing the merits of this basis for

rejection, Applicant believes these claims to be patentable for the same reasons discussed above with respect to the earlier claims.

For all of the foregoing reasons, it is believed that this application is in condition for allowance and such action is earnestly solicited.

Please charge any prosecutional fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

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